

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND)
COMPOUNDING PHARMACY, INC.)
PRODUCTS LIABILITY)
LITIGATION) Master File No: 1:13-MD-2419-RWZ
)
)

This document relates to:

JAMES W. SMITH, JR.,)
)
Plaintiff,) No. 1:14-cv-12910-RWZ
)
v.)
INSIGHT HEALTH CORP.,)
ROBERT F. O'BRIEN, M.D., IMAGE)
GUIDED PAIN MANAGEMENT,)
P.C.,)
Defendants.)
)

Motion for Partial Judgment on the Pleadings and Request for Oral Argument

COME NOW Robert F. O'Brien, M.D., Image Guided Pain Management, P.C. (collectively "IGPM"), by counsel, and pursuant to Federal Rule of Civil Procedure 12(c) and Local Rule 7.1 move for judgment on the pleadings on Count I (Negligence Per Se), Count II (VCPA), Count IV (Gross Negligence), Count V (Fraud). The arguments and authorities in support of this motion are set forth in Defendants' Consolidated Memorandum in Support of Motion for Partial Judgment on the Pleadings, being filed contemporaneously herewith.

In addition, pursuant to Local Rule 7.1(d), IGPM requests that the Court reserve a date for oral argument of the above-referenced dispositive motion.

ROBERT F. O'BRIEN, M.D., IMAGE GUIDED
PAIN MANAGEMENT, P.C.

/s/ John T. Jessee

Of Counsel

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CERTIFICATE OF SERVICE

I certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing dated August 27, 2014.

/s/ John T. Jessee

John T. Jessee